



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 27, 1994

Mr. James M. O'Leary
Law Offices of Shafer, Davis, Ashley,
O'Leary & Stoker
P.O. Drawer 1552
Odessa, Texas 79760-1552

OR94-223

Dear Mr. O'Leary:

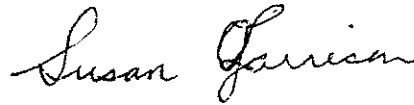
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 26026.

The Ector County Hospital District (the "hospital district"), which you represent, has received a request for information relating to heart by-pass procedures performed at the Medical Center Hospital. Specifically, the requestor seeks "[t]he number of heart by-pass surgeries performed at Medical Center Hospital during 1990, 1991, 1992, and 1993" and "[t]he number of patients who did not recover from heart by-pass surgeries during 1990, 1991, 1992, and 1993." You advise us that the hospital district has made available to the requestor the number of heart by-pass surgeries performed, but that the hospital district is not in possession of information indicating the number of patients who have not recovered from heart by-pass surgeries.

The Open Records Act applies only to information in existence and does not require a governmental body to prepare new information. *See, e.g.,* Open Records Decision Nos. 572 (1990); 534 (1989); 483 (1987). Moreover, section 552.227 states that "[a]n officer for public records or the officer's agent is not required to perform general research." *See, e.g.,* Open Records Decision Nos. 563 at 8, 555 (1990); 379 (1983) at 4; 347 (1982) at 1. In response to the request at issue here, the hospital district must make a good faith effort to relate the request to information in the hospital district's possession and must help the requestor to clarify his request by advising him of the types of information available. Beyond these requirements, however, the hospital district need not generate new information in order to comply with the request.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Open Government Section

SG/GCK/rho

Ref.: ID# 26026

cc: Mr. Gary Newsom
Editor
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